



Appeal Decision

Site visit made on 20 November 2019

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2019

Appeal Ref: APP/W3520/W/19/3233840

Daganya Farm Workshop, Nuttery Vale, Hoxne, Eye, Suffolk IP21 5BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Arnold against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/014785, dated 12 April 2019, was refused by notice dated 28 May 2019.
 - The development proposed is described as the 'redevelopment of brownfield site for 4 no market and 2 no shared equity 'affordable' dwellings with garaging, parking and turning; construction of new highways access.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are a) whether the appeal site is an appropriate location for new housing with particular regard to access to services and social cohesion; b) the effect of the proposed development on the character and appearance of the area; and c) whether the appeal scheme would result in the unacceptable loss of an employment site.

Reasons

Acceptable Location?

3. The appeal site is an area of land located outside of the settlement boundary of Hoxne as it is defined by the development plan. It is in close proximity to the defined edge of the settlement but does not abut it. The Council's Core Strategy (CS)¹ advocates a sustainable approach to the distribution of new development by identifying a settlement hierarchy. Hoxne is stated by Policy CS1 of the CS as being a primary village. Specifically, one that has basic local services including a primary school and food shop. CS1 suggests that small scale housing growth to meet local needs, particularly affordable housing, will be appropriate in primary villages. In addition, it states that new development will be limited to sites within settlement boundaries or, by allocation in the Site Specific Allocation document, to sites adjacent to settlement boundaries.

¹ Mid Suffolk District Local Development Framework Core Strategy Development Plan Document 2008

4. As I have set out above, the appeal site does not fall within the settlement boundary. By definition and in development plan terms therefore, it is located in the countryside. In addition, and a debate about what may or may not constitute being adjacent aside, the appeal site does not appear to be either wholly or in part identified as an allocation for new housing and whilst proposing some affordable housing, the appeal scheme would predominantly be for market dwellings. Policy CS2 sets out the need to restrict new development in the countryside to categories within which the appeal scheme would not fall.
5. I accept that the appeal site is a short distance from the edge of the settlement. However, the services on which new occupiers would rely are not located on the edge of the settlement. One could argue that the public right of way that runs along the western and northern edges of the site could provide access to the village centre and linkages could be made from the proposed development. However, the footpath is narrow, unlit and unsurfaced. The road leading to the appeal site from the village site does provide some, albeit limited, street lighting but there are no segregated footways. The metalled part of the road is single width and rural in nature and thus walking along it would be less than ideal. There is a bus stop located at the junction of Nuttery Vale and Cross Street but this is some distance to the east and would be accessed via one of the aforementioned means. With these factors in mind, I would not consider the sustainable transport modes on offer to be sufficient to be relied upon as a genuine alternative to the private car, which is the least sustainable travel option.
6. It is perhaps fair to say that journeys to the village from the site via the use of the car would not be long. However, they would be associated with up to six dwellings and so would not be insignificant in their overall number. With it also in mind that as a primary village Hoxne has a limited service offer to the point that a good proportion of journeys for a wider range of retail, educational, healthcare and employment opportunities will lay further afield. Notwithstanding this, and in my view, the fact that some journeys would be relatively short would be an argument that could be used too often to justify development in locations where it would not normally be permitted.
7. The Council have also expressed concerns over the lack of social cohesion there would be between the proposed development and the existing village. I would be inclined to agree. The physical separation of the appeal site to the edge of the village and its subsequent self-contained nature would garner a sense of separation rather than integration which has the capacity to work against a sense of community in social terms as it is advocated by both the approach of the Framework² and Policies FC1 and FC 1.1 of the CS Focussed Review³ and their explanation of what constitutes sustainable development.
8. The appeal site would not therefore be an appropriate location for new housing. It would, in effect, serve to promote unsustainable patterns of new development. Whilst I shall return to this in my consideration of other matters relevant to the appeal, the harm arising out of my findings here would result in conflict with the policies that I have cited and what they seek to achieve which I have also set out.

² The National Planning Policy Framework 2019

³ Mid Suffolk District Local Development Framework Core Strategy Focussed Review 2012

Character and Appearance

9. The appeal site is a relatively flat and roughly rectangular parcel of land located to the north of Nuttery Vale. Part landscaped and part hard surfaced, the site also comprises a number of buildings. Briefly, they are three single storey pitched roof timber and masonry sheds, four metal storage containers and a scaffolding rack. There is also a small portacabin style building, a single storey blockwork linear building with a lean to roof and other areas of outside storage. A joinery business was in operation at the time of my site visit.
10. The site is, as I have alluded to above, detached from the edge of the settlement by an open area of mainly grassed land between it and the last house which itself appears to be associated with Daganya Farm. Open agricultural fields are located to the north, south and west of the appeal site where the landscape becomes undulating in places. In the main, physical development seems to 'peter out' into more open and undeveloped spaces either side of Nuttery Vale as it moves west from the village. Notwithstanding the physical development which is contained to the rear of the site, there is a distinct rurality to it and its wider setting which is befitting of the outer edges of a modestly spread and relatively low density village.
11. Whilst I accept that the appeal scheme seeks outline planning permission with matters of layout, design and appearance to be considered later, it seems apparent based on what I have seen and the quantum of development that such would more likely than not be spread across the site in its entirety. Not only would this represent a marked shift to the character of the site in terms of introducing a high density urban form but its degree of detachment from the village as an entity would see it read as something of an awkward self contained cluster of dwellings set away from and visibly unrelated to the existing village. The high density and clustered nature of the buildings and associated access and curtilages would also create a hard edge to the village, wholly against the prevailing rural grain to the immediate locality.
12. The appeal scheme includes a proposal to add landscaping to the site and enhance the boundaries with additional hedging and trees as well as retain that which exists. As welcome as this would no doubt be from an ecology and biodiversity point of view, I do not subscribe to the notion that unacceptable development could be made so if it can be suitably screened. To my mind, the proposals put forward by the appeal scheme lean too far in this direction and thus would not be sufficient to overcome my concerns set out above which would not in any event be related purely to whether physical development could be readily seen from public vantage points.
13. The Council have expressed concerns as to how the proposed development would affect the landscape quality of the area in the context of the Rolling Valley Claylands and how it would erode the gently sloping valleys, undulating terrain and smaller contained sectional fields amongst other things. Whilst I have identified that the appeal scheme would be harmful to the defining characteristics of the immediate area, I do not feel that such harm would extend to landscape character overall. Particularly since the site is contextually very small and mostly flat. It would remain contained and development would not spread beyond its boundaries. In addition, it is not currently a contained or open/undeveloped field. It is in active use and contains some built form, a matter which I shall return to. Be this as it may, and whilst as a consequence I

do not see there would be sufficient alteration to the landscape overall to result in conflict with saved Policy CL2 of the Local Plan⁴, such lack of harm would not reduce that which I have found, which clearly extends to wider matters than purely landscape character and landform.

14. The appeal scheme would therefore give rise to harm to the character and appearance of the area, such that it would conflict with saved Policies GP1, H7, H15 and H16 of the Local Plan and Policy CS5 of the CS. Amongst other things, these policies seek to ensure that new development (new housing specifically) is appropriate for its surroundings and character of its setting, enhances the environment and promotes local distinctiveness as well as protecting the character and appearance of the countryside.

Loss of an Employment Site

15. The appeal site appears, on the strength of the written evidence and what I observed on site, to support a joinery business, a frame maker and a scaffolding supplier, the latter seems to be part of the frame makers and has the appearance of being mainly to store scaffolding rather than persons being directly employed at the site. The appellant suggests that these operations, both on and off site, support in the region of 14 full time jobs. Saved Policy E6 of the Local Plan recognises the importance of existing industrial and commercial sites that provide employment opportunities. In considering applications for change of use or the redevelopment of existing premises to non-employment generating activities, the Council will expect a significant benefit for the surrounding environment, particularly in terms of improved residential amenity or traffic safety.
16. There is reasonable evidence before me to suggest that the redevelopment of the appeal site for a residential use would be of some benefit to the living conditions of local residents since activity within the site, by its nature, can sometimes involve noise emitting machinery. In addition, the road that gives access to the site is narrow and not designed per se for larger delivery vehicles. That said, operations at the site as per the existing situation appear to be low key and the business that operate therefrom are small in the grand scheme and internal for the most part. Anecdotal evidence alludes to larger vehicle movements to and from the site but they don't strike me as high or overly frequent when set against what appeared to me to be a lightly trafficked route in and out of the village. In addition, there is some physical separation between the existing premises and the closest dwelling as I have said.
17. I shall come onto this in additional detail later, but the evidence also points to the issuing of a Lawful Development Certificate (LDC) for the erection of three new Class B1(c) (light industrial) units⁵ in accordance with submitted plans. These would, if carried out, result in larger premises in accordance with the allowances set out by Schedule 2, Part 7, Class H of the GPDO⁶. The plans in this respect show three units, each of between 120 and 200 square metres of floor area. They would be larger than those that currently occupy the site and with that an inherent likely increase in on site activity and movements to and from. Again however, the site would not be overly large in context and from the plans that I have seen it would retain operational activity towards the far

⁴ Mid Suffolk Local Plan 1998

⁵ Local Planning Authority Reference 1234/17

⁶ The Town and Country Planning (General Permitted Development) (England) Order 2015

rear of the site as it currently is, maintaining its siting in relation to the existing nearby houses. There also appears to be proposed alterations to the internal infrastructure to allow appropriate manoeuvring space for larger delivery vehicles. Ultimately, it is perhaps pertinent to point out that such a scheme if developed would seek to maintain and arguably enhance local employment opportunities.

18. In consideration of the redevelopment of the appeal site it seems clear that a small number of jobs would be lost and whilst the appellant has suggested that existing premises will be relocated there doesn't seem to me to be a sufficiently robust mechanism to ensure that this would or indeed could be secured through the granting of a planning permission for the proposed development. In any case, and as per the assertions of Policy E6 and my earlier comments, current or possible operations at the site would not give rise to such significant effects in either living conditions or highway safety terms that the importance of the existing industrial and commercial sites that clearly provide employment opportunities could be outweighed.
19. With the above factors in mind, the appeal scheme would result in the unacceptable loss of an employment site which, as I have pointed out, are regarded as important as a source of employment by saved Policy E6 of the Local Plan. The proposed development would therefore, for the reasons I have explained, be contrary to this policy.

Other Matters

20. I return to the matter of the LDC granted for the erection of three industrial units at the site and do so in reference to the first and second main issues in this appeal.
21. In respect of the principle of the proposed development it seems sufficiently clear to me that the operation of the appeal site as one for light industrial uses, in both existing and potential terms, would be a trip generator and destination in its own right. Indeed, I dare say that when considering deliveries to and from future premises and staff employed at them movements of the least sustainable methods could either equal or exceed those associated with up to six dwellings. In overall sustainability terms therefore, there is a matter of potential betterment to consider when looking at the number of car journeys up to six dwellings would give rise to. However, such movements would be associated with either existing or possible future commercial operations which would have associated benefits of sustaining and enhancing income, employment and expenditure locally. Such benefits in the case of the erection of up to six dwellings would be short term and linked mainly with the construction industry. This matter does not therefore, in my view, attract enough weight to sufficiently counter the harm that I have found in respect of the first main issue.
22. The erection of and activity associated with both the existing commercial operations on the site and what could theoretically be the case should the works acknowledged above take place do and would have an effect on the character and appearance of the area.
23. I do not have precise details as to the exact location of the proposed new buildings in respect of the boundaries of the appeal site but the class of the GPDO under which the LDC was issued places a restriction on their overall

height. This is a particularly important point to note since said restriction states that the height of any part of the new building cannot exceed (where not within 5 metres of the curtilage of the premises) the height of the highest building within the curtilage or 15 metres, whichever is the lower. In the case of the appeal site and the LDC scheme, one of the existing sheds within the curtilage appears to be retained and this is single storey in height. The new ones could not therefore, if developed under class H, be taller than it. It has to be assumed therefore that any new building could not exceed the height of the remaining shed.

24. In addition to the above, and on my understanding of the plans to which the LDC relates, the development would be contained within a small section of the rear of the site, roughly on the site of where the existing ones are. With this and my earlier comments on height in mind, it strikes me that the erection of up to six dwellings covering a much wider area of the site along with defined curtilages, access and other domestic infrastructure would have a fundamentally different, and arguably further reaching, effect on the character and appearance of the area to the point that I would not consider the existing or potential future development of the site to be a sufficient 'fallback' position that would justify the appeal scheme in character and appearance terms.
25. The proposed development would represent such on brownfield or previously developed land. A debate about the extent of such in relation to the area proposed for development as part of the appeal scheme aside I would apportion some weight to this on the positive side of the balance of considerations. As I would to a general tidy up and planned landscaping of the site. The scheme would also provide new housing as well as that of an affordable nature
26. Be these as they may, the number of houses added to choice and mix locally would be limited in the grand scheme. In any case, the Council's supply of housing appears from their evidence to be healthy in the context of the Framework's requirements. A point which the appellant does not argue. Whilst there appears a clear intention to provide affordable housing, I do not have a suitably robust mechanism before me to secure it. The weight I would therefore ascribe to these matters would be accordingly limited. Those other positive matters remaining would ultimately be set against multiple harms in a number of respects as well as subsequent conflicts with the development plan and the Framework. They would not therefore attract so much weight either individually or cumulatively that they would be sufficient to tip the balance in favour of the proposed development.
27. The appellant has cited a number of decisions taken by my colleagues in respect of considering whether a given development might be isolated for the purposes of the Framework and the weight attributed to harm in light of other considerations as well as balancing the competing issues of social and economic sustainability against identified environmental harms.
28. I acknowledge that, in some cases, my colleagues have considered that harm arising out of reliance on the private car might not be sufficient on its own to restrict the granting of planning permission in the context of, it has to be said, the particular circumstances of the case before them. In addition, the balance of economic and social matters against harms of either an environmental nature or other such issues would depend on weight attributed to each. Which

is a matter for the decision maker in each case. I would be inclined to agree that, for the purposes of the Framework and considering the location of the appeal site relative to other dwellings, any new ones would not be isolated but that would not make them automatically acceptable. Ultimately, and considering the appeal scheme on its own merits is as the correct way, I have found there would be multiple harms and conflicts with the development plan. I have also found that any positive matters arising would not be sufficient in this case to 'win the day'. I am not therefore minded to allow the appeal in light of the examples I have seen in the evidence.

Conclusion

29. For the above reasons, and whilst having regard to other matters that have been raised including some support from local residents, the appeal is dismissed.

John Morrison

INSPECTOR